

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-00324-F-2

UNITED STATES OF AMERICA

v.

DERRICK RAYNARD HOLSTON, JR.,
Defendant.

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O R D E R

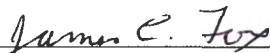
This matter is before the court on Defendant's letter motion [DE-73] addressed to the undersigned. In his letter motion, Defendant requests a letter of recommendation or order from the court so that he can benefit from the Second Chance Act.

The Second Chance Act of 2007, Pub. L. No. 110-199, amended 18 U.S.C. § 3624. *United States v. Shelton*, No. 1:13CR00071-MR-DLH, 2015 WL 8757403, at *2 (W.D.N.C. Dec. 14, 2015). Pursuant to the Act, the Director of the Bureau of Prisons ("BOP") shall "ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months) under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community." 18 U.S.C. § 3624(c)(1). The Second Chance Act vests discretion in the Director of the BOP to determine how much time an inmate can spend in prerelease custody; thus, a defendant seeking relief under the Act must exhaust all administrative remedies through the BOP. *Sanders*, 2015 WL 8757403 at *2.

Defendant's letter motion does not suggest he has exhausted his administrative remedies through the BOP. Consequently, Defendant's letter motion [DE-73] is DENIED without prejudice.

SO ORDERED.

This, the 23 day of August, 2016.



JAMES C. FOX
Senior United States District Judge